

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID PUTZER,)
Plaintiff,) 3:07-cv-00498-LRH (RAM)
v.)
GLEN WHORTON, et al.,) O R D E R
Defendants.)

The Court has considered the Report and Recommendation of United States Magistrate Judge Robert A. McQuaid, Jr. (#27¹) entered on August 6, 2008, in which the Magistrate Judge recommends that Defendants' Motion to Dismiss (#14) be granted in part and denied in part and that Plaintiff's Motion for Class Action Certification (#12) be denied. No objection was filed by either Plaintiff or Defendants. The Court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing, the court hereby

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¹Refers to court's docket number.

1 ADOPTS AND ACCEPTS the Report and Recommendation of the United States
2 Magistrate Judge (#27); therefore, Defendant's Motion to Dismiss (#14) is granted in part and denied
3 in part as follows:

4 1. Defendants' motion to dismiss Plaintiff's due process claim should be DENIED.
5 2. Defendant's motion to dismiss Plaintiff's § 1985(3) civil conspiracy claim should
6 be GRANTED.

7 IT IS FURTHER ORDERED that Plaintiff's Motion for Class Action Certification (#12)
8 is DENIED.

9 IT IS SO ORDERED.

10 DATED this 2nd day of September, 2008.



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13 LARRY R. HICKS
14 UNITED STATES DISTRICT JUDGE
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